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BEFORE THE PUBLIC UTILITIES COMMISSION

JAN 18 2001

OF THE STATE OF SOUTH DAKOTA

SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION OF MIDSTATE TELECOM, INC. FOR A CERTIFICATE OF AUTHORITY TO PROVIDE TELECOMMUNICATIONS SERVICES IN SOUTH DAKOTA	Docket No. _____  APPLICATION FOR CERTIFICATE OF AUTHORITY TO PROVIDE TELECOMMUNICATIONS SERVICES IN SOUTH DAKOTA
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Midstate Telecom, Inc. ("Midstate") is requesting a Certificate of Authority to provide telecommunications services in those areas in South Dakota where Qwest Corporation (formerly US West Communications) is the incumbent local exchange carrier.

The following information is provided pursuant to ARSD 20:10:24:02:

1. The name, address, and telephone number of the applicant is as follows:

Midstate Telecom, Inc.  
120 East 1<sup>st</sup> Street  
Kimball, South Dakota 57355  
(605) 778-6221

2. The applicant will provide these services under the name shown in No. 1 above.
3. The applicant is a corporation:
  - (a) The applicant is incorporated in the state of South Dakota. It received its Certificate of Incorporation on November 6, 2000, and a copy of the Certificate is attached.
  - (b) The location of applicant's principal office in the state is at the Midstate Communications, Inc. headquarters in Kimball, South Dakota, and the name and address of its current registered agent is Mark D. Benton, 120 East 1<sup>st</sup> Street, Kimball, South Dakota 57355.
  - (c) Midstate Communications, Inc., 120 East 1<sup>st</sup> Street, Kimball, South Dakota 57355, owns 100% of Midstate Telecom, Inc.
  - (d) There are no subsidiaries owned or controlled by the applicant.

4. Midstate will provide telecommunications services, including local exchange services, intraLATA services and interLATA services, through a combination of unbundled network elements, resale, and facilities-based provisioning. Midstate will enter into agreements with Qwest for the interconnection and resale of telecommunications services, and lease of unbundled network elements.
5. Local switching will be provided utilizing digital switch technology. Transmission facilities will include combinations of copper twisted pair, fiber optic cable, and potentially, wireless services. Services may be provided by reassembling unbundled network elements purchased from the incumbent local exchange carrier or from alternative providers. Midstate Communications, Inc., the parent of Midstate, has decades of experience in providing consistently high quality telecommunications services to its customers, which expertise will be utilized by Midstate to serve Midstate customers.
6. Initially, Midstate will provide services in Chamberlain, South Dakota. Midstate is applying for authority to provide service in all of those areas in South Dakota where Qwest Corporation is the incumbent local exchange carrier ("ILEC"). Midstate concurs in the ILEC's exchange boundaries and map currently on file with the Commission.
7. As Midstate is a new entity, it does not have financial statements, including a balance sheet, income statement, and cash flow statement; it also does not have an annual report, report to stockholders, or an access tariff with the terms and conditions of service. Midstate hereby requests a waiver of the filing requirements of ARSD 20:10:24:02(8).
8. The names, addresses, telephone number, fax number, Email address, and toll-free number of the applicant's representatives to whom all inquiries must be made regarding complaints and regulatory matters are as follows:

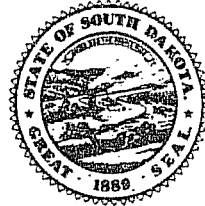
Mark D. Benton  
Midstate Communications, Inc.  
120 East 1<sup>st</sup> St.; P. O. Box 48  
Kimball, SD 57355  
Telephone (605) 778-6221  
Fax: (605) 778-8080  
Email: [mbenton@midstatesd.net](mailto:mbenton@midstatesd.net)  
Toll-Free: 1-800-214-1431

Fay Jandreau  
Midstate Communications, Inc.  
120 East 1<sup>st</sup> St.; P. O. Box 48  
Kimball, SD 57355  
Telephone (605) 778-6221  
Fax: (605) 778-8080  
Email: [fayj@midstatesd.net](mailto:fayj@midstatesd.net)  
Toll-Free: 1-800-214-1431

Midstate will maintain a 24-hour toll-free number for handling customer complaints. Service and repairs will be handled by technicians located in Kimball, in answer to the toll-free calls, 24 hours per day, 7 days per week.



# State of South Dakota



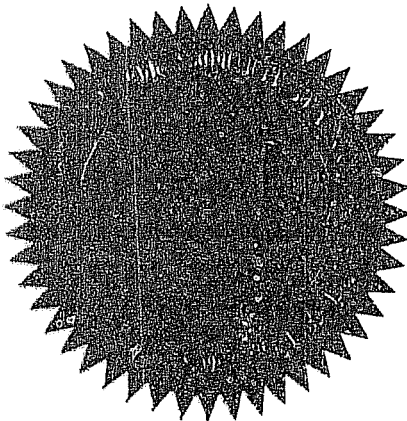
## OFFICE OF THE SECRETARY OF STATE

### Certificate of Incorporation Business Corporation

I, **JOYCE HAZELTINE**, Secretary of State of the State of South Dakota, hereby certify that the Articles of Incorporation of **MIDSTATE TELECOM, INC.** duly signed and verified, pursuant to the provisions of the South Dakota Business Corporation Act, have been received in this office and are found to conform to law.

**ACCORDINGLY**, and by virtue of the authority vested in me by law, I hereby issue this Certificate of Incorporation and attach hereto a duplicate of the Articles of Incorporation.

**IN TESTIMONY WHEREOF**, I have hereunto set my hand and affixed the Great Seal of the State of South Dakota, at Pierre, the Capital, this November 6, 2000.



**Joyce Hazeltine**  
Secretary of State

**South Dakota Public Utilities Commission**  
**WEEKLY FILINGS**  
**For the Period of January 18, 2001 through January 24, 2001**

If you need a complete copy of a filing faxed, overnight expressed, or mailed to you, please contact Delaine Kolbo within five business days of this filing. Phone: 605-773-3705 Fax: 605-773-3809

**CONSUMER COMPLAINTS**

**CT01-003** In the Matter of the Complaint filed by Walfrido and Debra Paez, Rapid City, South Dakota, against AT&T Communications of the Midwest, Inc. Regarding Unauthorized Billing for Services.

The Complainants claim that they received a billing which included international toll charges to a foreign country which they did not authorize. AT&T claims that the charges were generated through the Complainants' computer modem. The Complainants claim that "we do not have a modem on our computer connected to the phone lines." The Complainants request removal of charges and reimbursement for all expenses related to the cost of attending a hearing.

Staff Analyst: Leni Healy  
Staff Attorney: Kelly Frazier  
Date Docketed: 01/19/01  
Intervention Deadline: N/A

**TELECOMMUNICATIONS**

**TC01-007** In the Matter of the Application of Midstate Telecom, Inc. for a Certificate of Authority to Provide Local Exchange Services in South Dakota.

Midstate Telecom, Inc. filed an application requesting a Certificate of Authority to provide local exchange telecommunication services in South Dakota. Applicant is also requesting it be exempted from filing company-specific cost-based switched access rates.

Staff Analyst: Keith Senger  
Staff Attorney: Karen Cremer  
Date Docketed: 01/18/01  
Intervention Deadline: 02/09/01

**TC01-008** In the Matter of the Filing for Approval of First and Second Amendments to an Interconnection Agreement between Qwest Corporation and @link Networks, Inc.

On January 22, 2001 amendment nos. 1 and 2 to the Interconnection Agreement between Qwest Corporation ("Qwest") and @link Networks, Inc. ("@link") were filed with the Commission for approval. Amendment No. 1 adds terms, conditions and rates for Unbundled Dedicated Interoffice Transport ("UDIT"). Amendment No. 2 replaces the Line Sharing Interim Agreement entered into between @link and Qwest on April 24th, 2000 with the terms, conditions and rates for Line Sharing as set forth in Attachment 1 to Amendment 2. Any party wishing to comment on the agreement may do so by filing written comments with the Commission and the parties to the agreement no later than February 12, 2001. Parties to the agreement may file written responses to the comments no later than twenty days after the service of the initial comments.

Staff Attorney: Kelly Frazier  
Date Docketed: 01/22/01  
Initial Comments Due: 02/12/01

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You may subscribe or unsubscribe to the PUC mailing lists at <http://www.state.sd.us/puc/>

# Meyer & Rogers

ATTORNEYS AT LAW

PO BOX 1117 • 320 EAST CAPITOL • PIERRE, SOUTH DAKOTA 57501-1117 • TELEPHONE 605-224-7889 • FACSIMILE 605-224-9060

BRIAN B. MEYER  
DARLA POLLMAN ROGERS

March 14, 2001

Keith Senger  
Public Utilities Commission  
500 East Capitol Avenue  
Pierre, South Dakota 57501

Re: SDPUC Docket TC01-007  
Application of Midstate Telecom, Inc. for a Certificate of Authority

Dear Keith:

This letter is written in response to the requests for information contained in your letter dated January 22, 2001, and the clarifications to those requests contained in your letter of January 25, 2001.

Request #4. In order to protect South Dakota consumers, the South Dakota Public Utilities Commission requires applicants with unknown or marginal financial capabilities to submit a bond naming the SDPUC and the consumers of South Dakota as beneficiaries.

Response #4. Midstate Telecom, Inc. has applied for a \$25,000.00 surety bond in support of this application.

Request #5. Please provide the information required by ARSD 20:10:32.

Response #5. Midstate Telecom, Inc. hereby provides the following information to supplement its current application for a Certificate of Authority, as required by ARSD 20:10:32. (The responses below are numbered to correspond with the numbers of the requirements under 20:10:32:03.)

(1) Applicant's Fax Number: (605) 778-8080  
Applicant's E-mail Address: [mbenton@midstatesd.net](mailto:mbenton@midstatesd.net)

(6) The Parent Organization is:

Midstate Communications, Inc.  
120 East 1<sup>st</sup> Street  
P. O. Box 48  
Kimball, South Dakota 57355

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(7) Description of Services:

(a) Classes of Customers:

Applicant will provide services to business and residential customers, initially in Chamberlain, South Dakota.

(b) Extent and Time-frame:

Applicant will provide service through the use of its own facilities, the purchase of unbundled network elements, and resale. Applicant plans to begin offering services in the fourth quarter of 2001, dependent upon progress of construction throughout the summer.

(c) Description of Facilities:

Local switching will be provided utilizing digital switch technology. Transmission facilities will include combinations of copper twisted pair, fiber optic cable, and potentially, wireless services. Services may be provided by reassembling unbundled network elements purchased from Qwest or from alternate providers.

(d) Types of Services:

Services will include local exchange service, long distance and internet access, and may expand to include cellular, paging, and personal communications services.

(8) Technical Competence of Applicant:

(a) Education and Experience of Management Personnel:

(1) Mark Benton, General Manager, is a graduate of Oklahoma State University. He has 12 years of experience in the industry in the field of engineering and management.

(2) Peggy Reinesch, Office Manager, is a graduate of Mitchell Technical Institute. She has 23 years of experience at Midstate Communications in the areas of billing, accounting and management.

(3) Fay Jandreau, Plant Manager, is a graduate of Mitchell Technical Institute with an AS degree in telecommunications. He has 10 years of experience in the industry as department head of the telecommunications department at MTI and in the area of management in the telephone industry.



- (10) Emergency Services, Operator Services, Interexchange Services, Directory Assistance, and Telecommunications Relay Services:

Applicant will offer all of the above services, via the following systems:

- (a) Emergency services through the county PSAPS;
- (b) Operator Services through contract with McLeod;
- (c) Interexchange Services through South Dakota Network;
- (d) Directory Assistance through McLeod or Qwest;
- (e) Telecommunications Relay Services through SD Relay Services for the Deaf.

- (11) For the reasons stated in its initial application, Applicant requests a waiver of ARSD 20:10:32:03(11)(a).

- (12) Interconnection to Provide Proposed Local Exchange Services:

- (a) Applicant plans to interconnect with Qwest;
- (b) Applicant plans to initiate interconnection negotiations upon receipt of Certificate;
- (c) N/A

- (13) Price Listing or Tariff for each local service offering:

Local Service Tariff will be filed.

- (14) Cost Support for Tariff or Price List:

For the reasons stated in its Application, Applicant requests a waiver of ARSD 20:10:32:03(14).

- (16) Applicant is not seeking authority to provide Local Exchange Service in a rural telephone company service area.

- (19) Billing and Collecting Charges from Customers:

Customers will receive their bills monthly in the mail. Applicant will maintain an office in Chamberlain as well as a drop box for payments. Customers may also remit payment to Applicant's address in Kimball, South Dakota.

- (20) Policies Concerning Solicitation of New Customers:

Applicant abides by the letter and spirit of all applicable state and federal statutes and does not engage in slamming. As Applicant is an incumbent local exchange carrier, this issue is unlikely to arise.

(22) Applicant requests waivers of any inapplicable rules pertaining to its application.

Request #6. Please submit a proposed local exchange and switched access tariff for Staff review. If the rates are undetermined at this point, the applicant may submit a tariff with the rates left blank.

Response #6. These tariffs are being prepared and will be submitted within the next few days.

Request #7.A. Is Midstate asking for an exemption of developing company-specific cost-based switched access rates in accordance with ARSD 20:10:27.11 and for what period of time?

Response #7.A. Yes, until the company has a minimum of at least one year of data upon which to base a cost study.

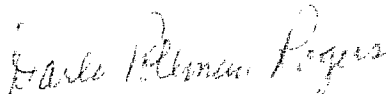
Request #7.B. Does Midstate want to run that process within this CoA docket or do they wish to run it on its own schedule (a different docketed issue)?

Response #7.B. Within this docket.

Request #7.C. Does Midstate wish to request the adoption of LECA rates as stated in the filing or rates based on the costs of all the telecommunications companies with less than 100,000 access lines as allowed for in ARSD 20:10:27.12?

Response #7.C. Applicant will file a one-page concurrence to the terms and conditions of the LECA Tariff, plus Applicant's own rate pages based on the costs of all the telecommunications companies with less than 100,000 access lines. This tariff will be submitted within the same time frame as the local exchange tariff.

Sincerely yours,



Darla Pollman Rogers  
Attorney at Law

DPR/ph

CC: Mark D. Benton



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ISSUED: March 19, 2001 EFFECTIVE: April 23, 2001  
Date Date

By: Robert D. Foian President Kimball SD 57144  
Name Title Address



















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## GENERAL RULES AND REGULATIONS

## B. ESTABLISHMENT AND FURNISHING OF SERVICE

## 1. Application for Service

- a. Applications for service shall be made in writing. These applications become contracts upon the establishment of service. Applicants for service are responsible for payment of an amount equal to one month's exchange and installation charges (if any). The terms and conditions specified for such contracts are subject to these General Rules and Regulations, the General Exchange Service Tariffs and the Local Exchange Service Tariffs for the exchange from which service is to be furnished. Any change in rates, rules or regulations shall act as a modification of the contract to that extent, without further notice.
- b. Requests from customers for additional service, equipment, etc., may be made orally. A move from one geographic location to another (outside move) within the system is not considered to terminate the contract; orders for such moves may be made orally.
- c. Except as specified elsewhere in this tariff, the minimum contract period is one month from the date service, or additions to service, is established, and the minimum authorized rate for one month. For purposes of rate administration, each month is considered to have 30 days.

## 2. Telephone Numbers

- a. The customer has no property right in the telephone number or any right to continuance of service from any specific central office, and the Telephone Company may assign or change the telephone number, the central office designation, or both, as is necessary in the conduct of its business.

## 3. Alterations

- a. The customer agrees to notify the Company promptly whenever alterations or new construction on premises owned or leased by him necessitate changes in the Company's wiring or equipment; the customer agrees to pay the Company's current charges for such changes.

DATE:

March 19, 2001

EFFECTIVE:

April 23, 2001

Date

Date

By:

Robert D. Folan

President

Kimball, SD 57355

Name

Title

Address

Filed with SDPUC

## GENERAL RULES AND REGULATIONS

## B. ESTABLISHMENT AND FURNISHING OF SERVICE (Continued)

## 4. Payment for Service

- a. The customer is required to pay all charges for exchange, access services and facilities.

## 5. Maintenance and Repairs

- a. All expense of maintenance and repair, of services or facilities provided by the Telephone Company will be borne by the Company. The customer will be held responsible for restoration or replacement costs in case of loss of, damage to, or destruction of any of the Company's instruments, or accessories, not due to normal use.

## 6. Unusual Installation Costs

- a. Where special requirements of the customer involve unusual construction or installation, the customer may be required to pay additional costs as provided elsewhere in this Tariff.

REVISED

March 19, 2001  
Date

EFFECTIVE:

April 23, 2001  
Date

BY

Robert D. Polze  
NamePresident  
TitleKimball, SD 57355  
Address













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GENERAL RULES AND REGULATIONS

G. RECORDS REVIEW AND PUBLIC INFORMATION RULES

1. **PUBLIC INFORMATION.** The rules of Subsection F to Subsection K, inclusive as well as utility tariffs, shall be available in all Telephone Company business offices for public inspection. A copy of the rules of Subsection F to Subsection K, inclusive, shall be furnished upon request to any applicant for service or to any subscriber undergoing disconnection proceedings.
2. **KNOWLEDGE OF CREDIT RATING.** In conformance with the Federal Fair Credit Reporting Act, the Telephone Company will make available to applicants and subscribers upon demand the basis for credit, deposit, disconnect, and refusal decisions.
3. **UTILITY MAINTENANCE OF RECORDS.** In providing further compliance to rules of Subsection F to Subsection K, inclusive, and in accordance with Federal law, the Telephone Company shall maintain records of past subscribers for a period of six months after termination. The Telephone Company shall make these records available to other utilities engaged in credit checks in accordance with Federal laws.

ISSUED: March 19, 2001  
Date

EFFECTIVE: April 23, 2001  
Date

By: Robert D. Folan,  
Name

President,  
Title

Kimball, SD 57355  
Address



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## GENERAL RULES AND REGULATIONS

## H. CUSTOMER BILLING RULES (Continued)

3. **TRANSMITTAL OF BILLS.** Bills to customers shall be clearly legible, rendered regularly, and shall contain a listing of all charges. Customer billing sent through the United States mail shall be sent in envelopes and shall include a return envelope for payment of the customer's bills.
4. **DISPUTES.** In the event of a dispute between the customer and the telephone company, the Telephone Company may require the customer to pay the undisputed portion of the bill to avoid disconnection of service for nonpayment. The Telephone Company shall make such investigation as may be appropriate to the particular case, and shall report the result thereof to the customer.
5. **INTERRUPTIONS AND REFUNDS.** In the event the customer's service is interrupted other than by the negligence or willful act of the customer and such service remains out of order for more than twenty-four hours after being reported or found to be out of order, appropriate adjustments or refunds shall be made to the customer upon request. The refund to the customer shall be the pro rated part of that month's charge for the period of days and that portion of the service and facilities is rendered useless or inoperative. The refund may be accomplished by a credit on subsequent bills for telephone service.

ISSUED: March 19, 2001  
DateEFFECTIVE: April 23, 2001  
DateBy: Robert D. Folan  
NamePresident  
TitleKimball, SD 57355  
Address

Filed with SDPUC

GENERAL RULES AND REGULATIONS

I. RULES FOR ESTABLISHMENT OF CREDIT

1. **NONDISCRIMINATORY CREDIT POLICY REQUIRED.** The Telephone Company shall fairly, and without discrimination, administer a credit policy that is easily understandable and that extends telephone service to as many applicants as possible. Such deposit policy shall be predicated upon the credit risk of the individual as evidenced by his past experience with telephone companies without regard to the collective credit reputation of the area in which he lives.
2. **ESTABLISHMENT OR RE-ESTABLISHMENT OF CREDIT FOR A PRESENT SUBSCRIBER.** The Telephone Company may request a subscriber to make a cash deposit or to increase his/her deposit to establish credit or it may place a subscriber on an Early Payments list. Upon disconnection, the customer has five business days to submit the deposit amount or be placed on an Early Payment policy.
3. **ESTABLISHMENT OF CREDIT FOR APPLICANTS FOR A NEW SERVICE OR RETURN OF SERVICE.** The Telephone Company shall determine the credit standing of an applicant for service by referring to information about the applicant's prior telephone bill paying habits if he has had service before. Such prior telephone experience and information shall be the major factor in decisions of good or bad credit and in decisions about deposit amounts. The Telephone Company may also use employment information to verify names and past addresses of service applicants. If credit information isn't available, the customer will be required to pay a deposit or be placed on an Early Payment Policy.

ISSUED: March 19, 2001  
Date

EFFECTIVE: April 23, 2001  
Date

By: Robert D. Folan

President

Kimball, SD 57155

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GENERAL RULES AND REGULATIONS

I. RULES FOR ESTABLISHMENT OF CREDIT (Continued)

- 4. **TYPES OF CREDIT EXPLAINED.** Following are the categories of credit, their definitions and resultant deposits:
  - a. "Good credit" shall be defined for the purpose of these rules as no disconnections for nonpayment in the most recent years of service and less than three disconnection notices in the most recent year of service. No deposit shall be required by the Telephone Company should an applicant for service exhibit good credit as herein defined;
  - b. "Bad credit" shall be defined as one or more disconnections in the most recent year of service, three or more disconnection notices in the most recent year of service, or an outstanding debt with the telephone company. The deposit for one with bad credit shall be an estimated two month's bills, such an estimate being formed from past telephone bill information, computed by multiplying the average monthly bill over the past six months times two, if the last six months' bills are available.
- 5. **DEPOSIT POLICY FOR APPLICANTS WITH NO PAST SERVICE.** If an applicant claims no past service and if the utility uncovers no information to dispute this claim, the Telephone Company may require a \$50.00 deposit or no deposit. In lieu of a deposit, the utility may accept an Early Payment Agreement.
- 6. **DEPOSIT IF APPLICANT HAS PAST EXPERIENCE WITHOUT LIABILITY.** In setting a deposit, the Telephone Company may consider the toll experience of one to whom toll expenses have been reasonably traced but who has not been liable. In this case, the utility may move from no deposit or the \$50.00 deposit to a charge that might more reasonably reflect two months' estimated billing. Again an average monthly usage will be considered. In lieu of a deposit, the Utility may accept an Early Payment Agreement.
- 7. **EARLY PAYMENT AGREEMENT.** Early Payment Agreement is an agreement in lieu of a deposit wherein the customer has agreed to make full and total payment of all charges by the 15th of each month following bill rendering.

ISSUED: March 19, 2001  
Date

EFFECTIVE: April 23, 2001  
Date

By: Robert D. Folan  
Name

President  
Title

Kimball, SD 57155  
Address













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GENERAL RULES AND REGULATIONS

K. RULES FOR DISCONNECTION OF SERVICE (Continued)

- 3. **OTHER REASONS FOR DISCONNECTION.** The Telephone Company may disconnect a subscriber after reasonable notice for:
  - a. Violation of governmental or telephone company rules mentioned in Subsection K, No. 2;
  - b. Failure to keep an agreement to liquidate a continuing debt as described in Subsection K, No. 2;
  - c. Failure to pay an increased deposit as described in Subsection I, No. 2;
- 4. **THE NOTICE OF DISCONNECTION.** The notice given to the customer shall contain a direct and specific explanation of the following:
  - a. The particular ground upon which the proposed disconnection is based;
  - b. The Telephone Company's intention to discontinue service unless the customer corrects or adjusts the particular grounds;
  - c. The corrective action which the customer must take to avoid disconnection.
- 5. **THE DISCONNECTING ACT.** Whenever possible, service shall not be disconnected on any Saturday, Sunday or legal holiday, or at any time when the Telephone Company's business offices are not open to the public.
- 6. **LAST MINUTE PAYMENTS.** The subscriber shall have the right to tender payment of any delinquent bill at any time prior to disconnection in order to preserve service uninterrupted.

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Date

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By: Robert D. Folan  
Name

President  
Title

Kimball, SD 57355  
Address











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## GENERAL RULES AND REGULATIONS

## L. APPLICATION OF BUSINESS AND RESIDENCE RATES (Continued)

## 2. Residence Rates Apply at the Following Locations: (Continued)

- b. In private apartments of hotels, rooming houses, or boarding houses where service is confined to the customer's use, and elsewhere in rooming and boarding houses which are not advertised as a place of business or which have less than five rooms for roomers or which furnish meals to less than ten boarders, provided business listings are not furnished.
- c. Clubs, associations, churches, or fraternal organizations that meet infrequently and no attendant or staff is regularly provided.
- d. In the place of residence of a clergyman or nurse, and in the place of residence of a physician, surgeon, or other medical practitioner, dentist or veterinarian, provided the customer does not maintain an office in the residence.
- e. In college fraternity or sorority houses where individual line service is provided.

## 3. Combined Business-Residence Rates Apply at the Following Location:

- a. Where a part-time business is conducted from a residence.
  - (1) Part-time businesses from their residence is interpreted as meaning any business that operates any time of the day or night for twelve months out of the year. Seasonal part-time businesses such as snow removal, lawn mowing, gardening, etc., would not fall into the CBR rate group, but into the residence rate.
- b. Farm telephones will, in most cases, be classified as business-residence subscribers since the business of operating a farm is normally conducted from a farm residence telephone.
- c. There are some town telephones that will be classified as business-residence, such as subscribers who farm full-time, but live in town, or subscribers who operate part-time businesses from their residences.

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## GENERAL RULES AND REGULATIONS

## M. CONSTRUCTION, INSTALLATION, AND MAINTENANCE CHARGES

## 1. General

a The Telephone Company shall furnish adequate telephone service to the widest practicable number of users in its telephone service area on the following basis:

- (1) Furnish basic service to all applicants for service included in the operating boundaries as filed with the Public Utilities Commission, without payment by such applicant of any extra charge as a contribution to the cost of the construction of facilities to provide such service; and
- (2) Take all action that may be required to extend service to other unserved applicants for service in its Telephone service area without payment to the Telephone Company of any extra charge as a contribution to construction of facilities to provide such service. Where the cost of constructing the required line extension for such applicants will not exceed seven times the estimated annual exchange revenue from such applicant. Such service shall be furnished pursuant to terms and conditions set forth elsewhere in this tariff.

b Special charges in the form of installation charges, monthly charges, or both, are applied in addition to the usual service connection charges and monthly rates when, because of the sporadic, temporary, or occasional nature of the service or an unusual investment or expense as for example:

- (1) The facilities are provided in remote or undeveloped sections outside.
- (2) Conditions require the provision of special equipment or unusual methods of plant construction, installation or maintenance.
- (3) The customer's location requires the use of costly private right-of-way.

ESTABLISHED: March 19, 2001  
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By: Robert D. Folan  
Name

President  
Title

Kimball, SD 57355  
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## GENERAL RULES AND REGULATIONS

## M. CONSTRUCTION, INSTALLATION, AND MAINTENANCE CHARGES (Continued)

## 1. General (Continued)

- c. Title to all construction, as specified in 2. below provided wholly or partly at a customer's expense is vested in the Telephone Company.
- d. "Cost" is labor and materials including loading overheads.
- e. Construction charges will not include the customer's drop.

## 2. Special Type of Construction

- a. If a special type of construction is desired by a customer, or if unusual requirements of a customer make the cost of an installation higher than it would be if the usual type of construction were used, the customer is required to bear the difference in cost.
- b. Applicants may be required to make advance payments to cover all or a portion of the cost difference where in the supported opinion of the Telephone Company there is evidence of credit risk.
- c. Provision of Right-of-Way
  - (1) Where required by the condition, applicants shall provide without expense to the Telephone Company, right-of-way; such right-of-way shall be free from tree interference and otherwise suitable.

ISSUED: March 19, 2001  
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NamePresident  
TitleKimball, SD 57355  
Address











**BUSINESS SERVICE** - Telephone service furnished to customers where the actual or obvious use is of a business, professional or occupational nature.

**CENTRAL OFFICE** - A switching unit in a telephone system which provides service to the general public, having the necessary equipment and operating arrangements for the terminating and interconnecting customer lines and trunks or trunks only. There may be more than one central office in a building or exchange.

**CENTRAL OFFICE LINE** - A circuit directly connecting an individual main station, private branch exchange switchboard or an intercommunicating system with a central office.

**CENTREX SERVICE** - See definition in General Services.

**CHANNEL** - A path for communication between two or more stations, or central offices, furnished in such a manner as the Company may elect, whether by wire, radio or combination thereof and whether or not by a single physical facility or route.

**CIRCUIT** - A channel used for the transmission of electrical energy in the furnishing of telephone and other communication services.

**CLASS OF SERVICE** - The various categories of service generally available to the customer, such a business, residential, public, or semi-public service.

**COIN TELEPHONE SERVICE** - See "Public Telephone".

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	Date		Date
<b>By:</b>	<u>Robert D. Folan</u>	<b>President</b>	<u>Kimball, SD 57355</u>
	Name	Title	Address

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**DEFINITIONS**

**ACCESS LINE** - Any circuit connecting an exchange location with the central dial office.

**ADDITIONAL LISTING** - Any listing of a name or other authorized information in connection with a customer's telephone number in addition to that to which he is entitled in connection with his regular service.

**AUTHORIZED USER** - A person, firm or corporation (other than the customer) on whose premises a telephone, Private Branch Exchange, or private line service channel is located and who may communicate over such channels in accordance with the terms of the tariff.

**BASE RATE AREA** - Denotes the service area within the corporate limits of a city or town within the exchange.



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## DEFINITIONS

**CONTRACT** - The agreement between a customer and the Company under which service and facilities are furnished in accordance with the applicable provisions of the Tariffs.

**CORD SWITCHBOARD** - See "P.B.X. Service".

**CORDLESS SWITCHBOARD** - See "P.B.X. Service".

**COST** - The cost of labor and materials, which includes appropriate amounts to cover the Company's general operating and administrative expenses.

**CUSTOMER** - The individual, partnership, association or corporation which contracts for telephone service and is responsible for the payment of charges and compliance with the rules and regulations of the Company.

**DATA ACCESS ARRANGEMENT** - A protective connecting arrangement for use with the network control signaling unit, or in lieu of the connecting arrangement, an arrangement to identify a central office line and protective lines or facilities and procedures to assure proper operation and protection of the telecommunications network.

**DIAL SWITCHING EQUIPMENT** - A unit of electro-mechanical or electronic switching equipment used in a Central Office or in connection with a private branch exchange system.

**DIRECTORY LISTING** - A publication in the Company's Alphabetical directory of information relative to a customer's name or other identification and telephone number.

**DISCONNECT NOTICE** - The written notice sent to a customer, notifying him that his service will be discontinued if charges are not satisfied by the date specified on the notice.

**DROP WIRE** - That portion of a circuit between the pole line or cable distributing box and the building in which the station or switchboard is located.

**DUE NOTICES** - See "Disconnect Notice".

**ENTRANCE FACILITIES** - Facilities extending from the point of entrance on private property to the premises on which service is furnished.

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	Name	Title	Address

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## DEFINITIONS

**EXCHANGE** - A geographical area established for the administration of telephone service in a specified area (Exchange Area) which usually embraces a city, town or village, and its environs. It may contain one or more central offices together with the associated plant, equipment, and facilities used in furnishing communication service within that area.

**EXCHANGE AREA** - The territory served by an exchange.

**EXCHANGE SERVICE** - The furnishing of facilities for the telephone communication within an exchange area, in accordance with the regulations and charges specified in the local or General Exchange Tariffs. Exchange facilities are used to establish and maintain connection between an exchange station and the other telephone plant and facilities in connection with long distance calls or extended area service calls.

**EXTENDED AREA SERVICE** - Interexchange telephone service furnished at a flat rate between one or more exchange areas. Extended Area Service (EAS) is to be utilized only for calls which both originate and terminate as voice grade traffic, without extension, within the defined extended area. The Company reserves the right to limit call duration on EAS facilities, or to impose a usage sensitive charge when the EAS service is utilized for traffic other than EAS as defined herein.

**EXTENSION AND P.B.X. STATION MILEAGE** - The charges made for the additional circuit required to furnish such stations beyond the allowable distance with the main station for P.B.X. switchboard.

**EXTENSION BELL** - A bell on the same circuit and operating in connection with the signaling device of the primary, extension or private branch exchange station.

**EXTENSION LINE** - A circuit connecting a primary station with an extension station or a circuit connecting a private branch exchange station with a private branch exchange switchboard. An extension line may terminate on a key in lieu of an instrument.

**EXTRA LISTING** - See "Additional Listing".

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	Name	Title	Address

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## DEFINITIONS

**FLAT RATE SERVICE** - Service furnished at a fixed monthly charge, including extended area service where applicable.

**FOREIGN ATTACHMENT** - Lines, instruments, appliances or apparatus not owned or furnished by the Company.

**FOREIGN CENTRAL OFFICE** - Any central office other than that which serves the area in which the customer is located.

**FOREIGN EXCHANGE SERVICE** - Telephone exchange service furnished to a customer through a central office of an exchange other than the exchange regularly serving the area in which the customer is located.

**INITIAL SERVICE PERIOD** - The minimum length of time for which a customer is obligated to pay for service, facilities and equipment, whether or not retained by the customer for such minimum length of time.

**INSTALLATION CHARGE** - A non-recurring charge made at the time of installation of communications service or equipment, which may apply in place of or in addition to Service Charges and other applicable charges for service or equipment.

**INSTRUMENTALITIES** - The station equipment used to provide communications services to the customer.

**ISUP** - Integrated Services User Part. It is a CCS7 message-based signaling protocol that acts as a transport carrier for ISDN, voice, and data services.

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President, Kimball, SD 57355  
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## DEFINITIONS

**JOINT USER SERVICE** - An arrangement whereby an individual, firm or corporation whose telephone needs are not such as to justify the provision of separate customer service is permitted to use the service of a customer.

**LOCAL CHANNEL** - That portion of a channel which connects a station to an interexchanging channel or a channel connecting two or more stations within an exchange area.

**LOCAL EXCHANGE SERVICE** - Telephone communications within a local service area in accordance with the provisions of the Company's tariffs.

**LOCAL LINE CHARGE** - A monthly recurring charge as defined in Part IV, applicable to each Business, Residence, Combination Business-Residence classification. This charge is associated with the Telephone Company investment and operation of its facility to the subscriber's premise.

**LOCAL MESSAGE** - A completed communication between customer's stations located within the same Exchange Area of Local Service Area.

**LOCAL SERVICE AREA** - The area within which telephone service is furnished under a specific schedule or rates without the application of specific charges for each message.

**MESSAGE** - A completed customer call.

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President, Kimball, SD 57355  
Title Address







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**DEFINITIONS**

**SWITCH** - A unit of dial switching equipment which provides interconnection between station lines or trunks.

**TELEPHONE COMPANY** - See "Company".

**TERMINATION CHARGE** - A charge applied under certain conditions when a contract for service is terminated by the customer before the expiration of the minimum contract period.

**TIE LINE** - A circuit connecting two private branch exchange systems for the purpose of interconnection between the stations connected with such systems.

**TOLL BLOCKING** - A service that lets the customer elect not to allow toll calls from their telecommunications channel. With this restricted service, no outgoing toll service will be allowed. No credit card calls, collect calls or third number calls will be charged to restricted accounts while this service is in force.

**TRUNK LINE** - A circuit over which customers' messages are sent between two Central offices or between a central office and a private branch exchange system.

**UNDERGROUND SERVICE CONNECTION** - A customer's "Drop" wire which is run underground from a pole line or an underground distributing cable.

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President

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SUBJECT INDEX

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Integrated Services Digital Network (ISDN) .....	V	8-9
Temporary or Vacation Suspension .....	V	7

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President  
Title

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GENERAL EXCHANGE SERVICE

COIN TELEPHONE SERVICE

PUBLIC TELEPHONE

A. GENERAL

Public telephone service is furnished for use of the general public at the option of the Company and is not a substitute for business service.

B. RATES

Each local message ..... \$0.25

C. CONDITIONS

1. Standard booths may be furnished for public telephone service at the discretion of the Company.
2. Directory listings are not provided in conjunction with public telephone service.
3. The Company retains the option of furnishing and placing signs as may be necessary.
4. Extension Stations are not provided with Public Telephone Service.

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GENERAL EXCHANGE SERVICE

SEMI-PUBLIC TELEPHONE SERVICE (Continued)

SEMI-PUBLIC TELEPHONE

A. GENERAL

Semi-Public Telephone service may be furnished where there is a shared use of the service by the customer and the general public

B. RATES

- 1 The monthly rates for semi-public telephone service are filed in the Local Exchange Tariff. (Part V Sheet 17)
- 2 Extension stations, without dials, may be provided at the filed rate for extension station service in the exchange where such stations are provided.
- 3 Each local message ..... \$0.25

C. CONDITIONS

- 1 Semi-Public Telephone service may be provided at the option of the Company where the use is shared by the customer and the general public and where the customer permits signs to be placed as the Company deems necessary.
- 2 One directory listing per semi-public telephone may be provided without additional charge.
- 3 Any additional signals required in the provision of this service may be provided at the rates and charges set forth in this Part.
- 4 Arrangements may be made with the Company whereby the customer shall collect the revenue from the semi-public telephone, in such cases, the customer shall be responsible for payment to the Company of all toll and local service charges.
- 5 The customer shall be held liable for any willful damage to the equipment used to provide semi-public telephone services.
- 6 The Company will not be responsible nor held liable for any missed calls to the customer.

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GENERAL EXCHANGE SERVICE

COINLESS TELEPHONE SERVICE

PUBLIC TELEPHONE

A. GENERAL

Public telephone service is furnished for use of the general public at the option of the Company and is not a substitute for business service.

B. RATES

Each local message ..... No Charge

C. CONDITIONS

- 1 Standard booths may be furnished for public telephone service at the discretion of the Company.
- 2 Directory listings are not provided in conjunction with public telephone service.
- 3 The Company retains the option of furnishing and placing signs as may be necessary.
- 4 Extension Stations are not provided with Public Telephone Service.

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GENERAL EXCHANGE SERVICE

COINLESS TELEPHONE SERVICE (Continued)

SEMI-PUBLIC TELEPHONE

A. GENERAL

Semi-Public Telephone service may be furnished where there is a shared use of the service by the customer and the general public.

B. RATES

- 1. The monthly rates for semi-public telephone service are filed in the Connections with Customer - Provided Equipment. (Part VII Sheet 9)
- 2. Extension stations, without dials, may be provided at the filed rate for extension station service in the exchange where such stations are provided.
- 3. Each local message ..... No Charge

C. CONDITIONS

- 1. Semi-Public Telephone service may be provided at the option of the Company where the use is shared by the customer and the general public and where the customer permits signs to be placed as the Company deems necessary.
- 2. One directory listing per semi-public telephone may be provided without additional charge.
- 3. Any additional signals required in the provision of this service may be provided at the rates and charges set forth in this Part.
- 4. The customer shall be held liable for any willful damage to the equipment used to provide semi-public telephone services.
- 5. The Company will not be responsible nor held liable for any missed calls to the customer.

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President

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GENERAL EXCHANGE SERVICE

DIRECTORY LISTINGS

A. GENERAL

The following rates are applicable to the alphabetic section of the Telephone Directory for business or residence customers.

B. RATES

	<u>Monthly Rate</u>
1. Additional or Alternate Listings, Per Listings	75.50
2. (Deleted, See Price Guide)	
3. (Deleted, See Price Guide)	
4. Foreign or Non-Subscriber Service, Per Listing (See Condition 4)	0.50

C. CONDITIONS

1. A primary listing, which may include the name, address and telephone number of the individual, organization, firm or corporation for whom the service has been contracted, will be furnished at no charge.
  - a. Listings will be limited to such information as is necessary for proper identification.
  - b. The length of a listing may be limited by the use of abbreviations where the clarity of the listing and the identification of the customer will not be impaired.
  - c. The Company may refuse to insert any listing which, in its judgment, does not facilitate the use of the directory.
2. Additional listings may be furnished with business or residence service for persons who occupy the same premises at the rates shown above. An additional listing may include the same address and telephone number as the primary listing.

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GENERAL EXCHANGE SERVICE

TEMPORARY OR VACATION SUSPENSION

A. GENERAL

Temporary Suspension of Service is available for vacation purposes at a reduced rate for customers of residence and single line business service.

B. RATES

- 1. The monthly rate will be 50% of the regular rate for the basic and associate additional services suspended.
- 2. No other charges will apply for the suspension and subsequent restoral of service.

C. CONDITIONS

- 1. The minimum period for which this service may be provided is 30 days, the maximum is 150 days during any 6-month period.

SEMI-PUBLIC COIN/COINLESS SERVICE

A. GENERAL

The Telephone Company will, upon request, provide Semi-Public Coin/Coinless Service in association with Pay Telephone Service access line. This capability allows originating and terminating traffic on the Pay Telephone Service access line, and allows for a listing in the white pages of the directory.

B. RATES

The monthly charge for this service is the business individual line found in Section IV of this Tariff.

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By:	<u>Robert D. Folan</u>	,	<u>President</u>	,	<u>Kimball, SD 57355</u>
	Name		Title		Address

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## GENERAL EXCHANGE SERVICE

## INTEGRATED SERVICES DIGITAL NETWORK (ISDN)

## A. GENERAL

Integrated Services Digital Network is a digital service that provides an integrated voice/data capability to the customer premises facility, utilizing the public switched network. ISDN distributes voice, data, video, image and facsimile at speeds up to 64 kbit/s per channel via a Basic Rate Service (BRS). These are serving arrangements which conform to internationally developed, published, and recognized standards generated by the International Telecommunications Union (formerly CCITT).

## B. DEFINITIONS

1. Basic Rate Service (BRS) - BRS consists of up to three distinct channels on one pair of wires, one or two B (Bearer) Channels and one D (Delta) Channel. BRS ISDN Service is available as flat rate service.
2. B (Bearer) Channel - The B Channel carries circuit-switched voice and/or data communications at speeds up to 64 kbit/s, from the customer's premises, over the loop facility, to the central office.
3. D (Delta) Channel - The D Channel carries signaling and/or packet data information, at speeds up to 16 kbit/s on BRS, from the customer's premises to the central office. The D Channel has both data and signaling functionality; it does not have voice capability.
4. Digital Subscriber Loop (DSL) - The ISDN BRS loop from the CO to the customer's premises.

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By: Robert D. Folan

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Kimball SD 57255

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GENERAL EXCHANGE SERVICE

INTEGRATED SERVICES DIGITAL NETWORK (ISDN) (Continued)

C. TERMS AND CONDITIONS

- 1 The customer will be responsible for the procurement of associated customer premises equipment (CPE) and will ensure compatibility with the ISDN digital switch serving the customer.
- 2 BRS ISDN Service includes a comprehensive 2B+D package. Contained in the standard package are numerous voice and data features. The standard features and functions support two terminals per BRS. Within the standard package there is limited flexibility for customization and various optional features can be added. BRS ISDN Service does not offer D Channel packet service capabilities.
- 3 The rates and charges specified for BRS ISDN Service are applicable only to customers whose serving central office has been identified by the Company as having ISDN available.
- 4 An ISDN compatible terminal is a requirement for operation. It is the customer's responsibility to obtain and power such equipment. If a power failure occurs at the service location and the terminal equipment used by the customer does not have a battery backup, the equipment will not operate and contact with emergency services, such as 911, may not be possible. Providing ISDN service is contingent upon customers understanding that contact to 911 may be lost in the event of both power failure and battery failure. Analog devices cannot be used on an ISDN line to contact 911.
- 5 One primary directory listing will be furnished with ISDN service. Additional listings may be provided at the charges and in accordance with the regulations, terms, rates and conditions set forth in other sections of this tariff.

D. RATES AND CHARGES

	<u>Non-Recurring Charge</u>	<u>Monthly Rate</u>
1 Base Rate Service including Standard Features and Functions		
a Month-to-Month Flat Rate	\$100.00	\$45.00

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Date

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Date

By: Robert D. Polan  
Name

President  
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SERVICE CONNECTION CHARGES

A. GENERAL

1. The Term "Service Connection Charges" is used to define the non-recurring charge made for establishment of a class of telephone service or subsequent additions or changes to that service by request of customer.
2. Service Connection Charges are in addition to any other scheduled rates and charges normally applying under the tariffs. They apply in addition to and not in lieu of Mileage Charges or Installation Charges made because of unusual costs in establishing service.
3. Service Connection Charges may be payable at the time application is made for the particular service or facility, and prior to the establishment of service. Service may be established in advance of payment in the case of Service Connection Charges for additions to the service of existing subscribers and in the case of any service to Departments, Administrations, and Agencies of the Federal, State, County Township, or Municipal Governments.
4. The Charges specified above anticipate work being performed during the normal working hours. If the customer requests that overtime be performed or interrupt work when begun, an additional charge based on additional costs involved apply.

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By: Robert D. Folan

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Michael S. Smith

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SERVICE CONNECTION CHARGES

B. SERVICE CHARGES AND APPLICATION

1. Service Ordering Charge

Applies to work involved in receiving, recording, transmitting and acting upon information to connect, move or change telephone service and equipment including arrangements for directory listing service, checking telephone compatibility with the toll network, including the accounting records, and completing the associated plant records.

Exceptions:

- a. Disconnects and Removes;
- b. Vacation rates, in and out;
- c. Temporary service re-established after the destruction or partial destruction of the subscriber's premises by means beyond the control of the subscriber.

(Deleted)

- e. Dual directory listings.

2. Central Office Access Charge

Applies to the wiring work necessary within the serving central office and for the wiring work necessary from the premises protector to the central office to connect, move, or change a new or existing subscriber.

Exceptions:

- a. Disconnects and removes;
- b. Vacation rate, in or out;
- c. Change from rotary to pushbutton service.

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Richard H. Elias  
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SERVICE CONNECTION CHARGES

3. SERVICE CHARGES AND APPLICATION (Continued)

3. Premises Visit Charges

Applies whenever a Company employee is dispatched to the customers premises to connect, move or change a service or equipment at the request of the customer.

Exceptions:

- a. When a second trip is necessary because customer ordered equipment was not available at the time the work was being done;
- b. When work is being done at the option of the company;

4. Equipment Connection Charge

Applies for installing, connecting, moving or changing a non-key telephone and/or other terminal equipment and services.

Note:

- a. No charge is applicable if the instrument or other terminal equipment is in place at the time service is established and no move or change is requested by the customer.

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President

~~Signature~~

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SERVICE CONNECTION CHARGES

**A SERVICE CHARGES AND APPLICATION (Continued)**

**1. Restoral of Service Charge**

For service temporarily suspended, either for nonpayment of charges due or for violation of the regulations of the Telephone Company as described under "General Rules and Regulations", a restoral charge, in addition to charges due for service connections and facilities, shall apply. If payment has been made or violation has been corrected within five (5) days of date of suspension or violation, a charge of \$20.00 shall apply. After five (5) days, a \$30.00 charge shall apply plus any applicable new customer connection charges.

**2. Maintenance of Service Charge**

A recurring maintenance of service charge will apply for each repair visit to a customer's premises in connection with a service difficulty when it is determined that the difficulty was due to a condition in customer-provided terminal equipment connected to Telephone Company facilities.

**3. NSF Check Charge**

A charge of \$20.00 will be made if a check is presented in payment of services and is subsequently returned by the bank for insufficient funds.

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President  
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SERVICE CONNECTION CHARGES

Service Order Charge

New Customer	\$ 6.00
Other	3.00

Central Office Access Charge 6.00

Premise Visit Charge (Per Visit) 5.00

Maintenance Service Charge (CPE) 20.00

Special Charges - Line Extensions

Temporary sites such as construction sites, gravel pits, etc.	Actual Labor, Vehicle and Material Costs
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**EXCEPTIONS:** Charges do not apply to vacation disconnects and reconnects. Charges do not apply to name changes caused by death.

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Name	Title	Address

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## CONNECTIONS WITH CUSTOMER-PROVIDED EQUIPMENT

## A. GENERAL

1. Connections of Customer-Provided Registered Protective Circuitry or Registered Terminal Telephone Equipment under Part 68 of the Federal Communications Commission's Rules and Regulations.
  - a. Customer-Provided Protective Circuitry or Terminal Equipment may be connected at the customer's premises to services furnished by the Telephone Company subject to the provisions of Part 68 of the Federal Communications Commission's Rules and Regulations and the following.
  - b. The use of customer-provided equipment shall not require change in, or alternation of the equipment or other services of the Telephone Company.
  - c. The Telephone Company may make changes in its communications services, operations or procedures, where such action is not inconsistent with Part 68 of the Federal Communications Commission's Rules and Regulations.
  - d. All the combinations of customer-provided registered terminal equipment, registered protective circuitry, and associated nonregistered terminal equipment (including but not limited to wiring), shall be installed, operated and maintained so that the requirements of Subpart D of Part 68 of the Federal Communications Commission's Rules and Regulations are continually satisfied.
  - e. No combinations of customer-provided registered terminal equipment, registered protective circuitry, and associated nonregistered terminal equipment (including but not limited to wiring), shall cause electrical hazards to Telephone Company personnel, damage to Telephone Company equipment, malfunction of Telephone Company billing equipment, or degradation of service to persons other than the user of the subject terminal equipment, his calling or called party. The Telephone Company may discontinue service for failure to comply with these provisions.

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CONNECTIONS WITH CUSTOMER-PROVIDED EQUIPMENT

A. GENERAL (Continued)

1. (Continued)

- f. The customer shall notify the Telephone Company of each line to which protective circuitry of terminal equipment is to be connected in advance of such connection and shall notify the Telephone Company when such protective circuitry or terminal equipment is permanently disconnected. The customer shall provide the Telephone Company the Registration Number and Ringer Equivalence Number for the protective circuitry to terminal equipment.
- g. The customer shall not connect protective circuitry or terminal equipment to a Telephone Company line if: (1) the Ringer Equivalence of such equipment in combination with the total Ringer Equivalence of other equipment connected to the same line exceeds the allowable maximum for that line as determined by the Telephone Company, or (2) the ringer type is not a ringer type designated by the Telephone Company as suited for that particular line.
- h. All connections of protective circuitry or terminal equipment to services furnished by the Telephone Company shall be made through Telephone Company provided standard jacks, except that registered terminal equipment or protective circuitry furnished by the customer which involves hazardous or inaccessible locations, where authorized to be connected to local exchange service under these tariffs filed with appropriate regulatory agencies, may be connected with Long Distance Telecommunications Service furnished by the Telephone Company.

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President  
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Kimball, SD 57155  
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CONNECTIONS WITH CUSTOMER-PROVIDED EQUIPMENT

B. VIOLATION OF REGULATIONS

- 1. Where any customer-provided equipment is used in violation of any of the provisions of this tariff, the Telephone Company will take such immediate action as necessary for the protection of the network, and will promptly notify the customer of the violation. The customer shall discontinue such use of the equipment or correct the violation and shall confirm in writing to the Company within 10 days, following the receipt of written notice from the Company, that such use has ceased or that the violation has been corrected. Failure of the customer to discontinue such use or to correct the violation and to give the required written confirmation to the Telephone Company within the time stated above shall result in suspension of the customer's service until such time as the customer complies with the provisions of this tariff.

C. CONNECTIONS OF CUSTOMER-PROVIDED PBX AND KEY TELEPHONE SYSTEMS

- 1. Customer-provided PBX or key telephone systems may be connected at the customer's premises as follows:
  - a. As set forth in A 1. preceding when the customer-provided PBX or key telephone system is registered in accordance with Part 68 of the Federal Communications Commission's Rules.
  - b. As set forth in A 1. preceding when the customer-provided PBX or key telephone system is connected through customer-provided registered protective circuitry in accordance with Part 68 of the Federal Communications Commission's Rules.
  - c. Through customer-provided protective circuitry which is of a type directly connected to the network as of May 1, 1974, in accordance with Part 68 of the Federal Communications Commission's Rules.
  - d. Through acoustic or inductive connections specified under the regulations in Part 68 of the Federal Communications Commission's Rules.

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CONNECTIONS WITH CUSTOMER-PROVIDED EQUIPMENT

PUBLIC AND SEMI-PUBLIC SERVICE

PUBLIC ACCESS LINE SERVICE (PAL)

A. GENERAL.

- 1 Public Access Line Service will apply for use with customer-provided coin-operated or ~~access-operated~~ telephones at locations accessible to the public, e.g., stores, business places, including boarding or rooming houses and school or college buildings, where desired by the owner of the premises.
- 2 In exchanges where neither measuring or metering capabilities exist, service will be offered on a flat rate basis with no usage. A customer shall be required to convert to the ~~measured/metered~~ tariff when the Central Office is converted to accommodate ~~measured/metered~~ service, if requested to do so by the telephone company.
- 3 Directory listings may be provided under the regulations governing the furnishing of listings for ~~business main line~~ subscribers. However, listings (not indicating a business or profession) provided in connection with Public Access Line Service furnished at boarding or rooming houses or at other locations where the party desiring the additional listings resides, ~~are furnished~~ under the regulations covering the furnishing of listings in connection with ~~residence main line~~ service.

REVISED: March 19, 2001  
Date

EFFECTIVE: April 23, 2001  
Date

By: Robert D. Folan, President

Kimball, SD 57355

Filed with SDPUC

## CONNECTIONS WITH CUSTOMER-PROVIDED EQUIPMENT

## PUBLIC AND SEMI-PUBLIC SERVICE

## PUBLIC ACCESS LINE SERVICE (PAL) (Continued)

## B. RESPONSIBILITY OF THE CUSTOMER

1. The customer shall be responsible for the installation, operation, and maintenance of any customer-provided coin-operated or noncoin-operated telephones used in connection with this service.
2. The customer shall be responsible for the payment of a Trouble Isolation Charge for visits by a Telephone Company employee to the customer's premises when a service difficulty or trouble report results from the use of customer-provided coin-operated or noncoin-operated telephones. The Owner of the pay station or responsible party will be contacted prior to sending an employee out to find the problem.
3. The customer shall be responsible for payment of charges for all toll messages originating from or accepted at this type of service.
4. Customer-provided coin-operated telephones and noncoin-operated telephones must be registered in compliance with Part 68 of the FCC's Registration Program or connected behind an FCC registered coupler and have the following operational characteristics:
  - a. Must be able to access the Telephone Company Operator at no charge and without using a coin.
  - b. Must be able to access 911 Emergency Service, where available, at no charge and without using a coin.
  - c. When access to long distance is provided, must be able to access all interexchange carriers.
  - d. Must comply with all applicable federal, state, and local laws and regulations concerning the use of these telephones by disabled persons.
  - e. The owner of a customer-owned pay station may restrict his pay phone to local only calls if he so chooses. That is, the owner may block the long distance call paid for by cash (1+).

ISSUED: March 19, 2001  
DateEFFECTIVE: April 23, 2001  
DateBy: Robert D. Folan  
NamePresident  
TitleKimball, ND 58155  
Address



Filed with SDPUC

CONNECTIONS WITH CUSTOMER-PROVIDED EQUIPMENT

PUBLIC AND SEMI-PUBLIC SERVICE

PUBLIC ACCESS LINE SERVICE (PAL) (Continued)

B. RESPONSIBILITY OF THE CUSTOMER (Continued)

- 5. Each customer-owned pay telephone must prominently display the name of the owner of such instrument, the procedure for reporting service difficulties and obtaining customer refunds, and the percentage or range of percentages by which the cost of long distance service is increased to the user of such equipment.

C. VIOLATION OF REGULATIONS

- 1. Where any customer-provided coin-operated or noncoin-operated telephone is in violation of this Tariff, the Telephone Company will promptly notify the customer of the violation and will take immediate action, including the disconnection of service, as is necessary for the protection of the telecommunications network and Telephone Company employees.
- 2. The customer shall discontinue use of the customer-provided coin-operated or noncoin-operated telephone or correct the violation and notify the Telephone Company in writing within 5 days after receipt of such notice that the violation has been corrected.
- 3. Failure of the customer to discontinue such use or to correct the violation will result in the suspension of the customer's service until such time as the customer complies with the provisions of this tariff.

ISSUED: March 19, 2001  
Date

EFFECTIVE: April 23, 2001  
Date

By: Robert D. Egan

President

1000-11-000-00000

Filed with SDPUC

CONNECTIONS WITH CUSTOMER-PROVIDED EQUIPMENT

PUBLIC AND SEMI-PUBLIC SERVICE

PUBLIC ACCESS LINE SERVICE (PAL) (Continued)

D. RATES

- 1. Service Charges apply in addition to other charges specified for Public Access Line Service.
- 2. The "local message" from Public Access Line Service served by a given exchange is a completed local call, originating at such service and terminating at any service which may be called, without toll charge, from all other service served by the exchange concerned.
- 3. The subscriber to Public Access Line Service may charge users of their telephones for call to Directory Assistance.

E. COIN SUPERVISION SERVICE

The Telephone Company will provide Coin Supervision Service in conjunction with PAL Service to Payphone Service Providers (PSPs) who order local exchange service lines for the provision of pay telephone service and where the pay telephone equipment connected to the local exchange service lines requires central office coin supervision capability. The local exchange service lines used for the provision of pay telephone service are obtained from and subject to the terms and conditions under the Telephone Company's general and/or local tariffs.

ISSUED: March 19, 2001  
Date

EFFECTIVE: April 23, 2001  
Date

By: Robert D. Folan  
Name

President  
Title

Kimball RD 47555  
Address

MIDSTATE TELECOM, INC.

TELEPHONE TARIFF

PART VII  
Original Sheet 8

Filed with SDPUC

CONNECTIONS WITH CUSTOMER-PROVIDED EQUIPMENT

PUBLIC AND SEMI-PUBLIC SERVICE

PUBLIC ACCESS LINE SERVICE (PAL)

MONTHLY RATES

Rate Group	<u>Public Access Line Service</u>
All	\$32.00

COIN SUPERVISION SERVICE

	<u>Monthly Recurring Charge</u>
Per Line Equipped	\$ 2.21

ISSUED: March 19, 2001  
Date

EFFECTIVE: April 23, 2001  
Date

Filed with SDPUC

LOW INCOME ASSISTANCE PROGRAM

A. LIFELINE SERVICE

- 1. Lifeline service is a program that assists qualified low-income applicants with reductions in their monthly local exchange service rate. Lifeline service includes: voice grade access to the public switched network, local usage, dual-tone multi-frequency signaling or its functional equivalent, single party service or its functional equivalent, access to emergency services, access to operator services, access to interexchange service, access to directory assistance, and toll limitation (except to the extent a waiver from having to provide toll limitation has been granted by the South Dakota Public Utilities Commission "SDPUC").

The assistance provided through the Lifeline program applies to a single telephone line at the applicant's principal place of residence. Qualified applicants shall have their monthly local exchange service rate reduced by \$1.75, thus allowing the federal support of \$1.75 in addition to the \$3.50 of baseline federal support used to reduce the Lifeline customer's residential rate. The total monthly credit provided is \$5.25.

2. ELIGIBILITY REQUIREMENTS

To be eligible for assistance, an applicant must participate in one of the following:

- a. Medicaid (e.g. Title XIX/Medical, state supplemental assistance)
- b. Food Stamps
- c. Supplemental Security Income (SSI)
- d. Federal Public Housing Assistance
- e. Low-Income Home Energy Assistance Program (LHEAP)

The Lifeline customer is responsible for notifying the Company if the customer ceases to participate in any of the public assistance programs listed above.

3. APPLICATION FOR ASSISTANCE

In applying for Lifeline service, the qualified customer must certify under penalty of perjury that they are currently participating in at least one of the above listed qualifying public assistance programs. An applicant shall request telephone assistance through completion of a form provided by the Company.

ISSUED: March 19, 2001  
Date

EFFECTIVE: April 13, 2001  
Date

By: Robert D. Folan  
Name

President  
Title

Michael J. Stiles  
Name

Filed with SDPUC

LOW INCOME ASSISTANCE PROGRAM

A. LIFELINE SERVICE (Continued)

4. RATES

- |   | <u>Monthly Credit</u> |
|---|-----------------------|
| a. Lifeline Service - Waiver of Federal End-User Common Line Charge | \$3.00                |
| - Additional Federal Support  | 1.11                  |
| Total   | \$4.11                |
- b. Toll blocking shall be included with this service offering without charge. No service deposit is required if applicant voluntarily elects toll blocking with the initiation of Lifeline Service. However, one month's local service charges may be required to be paid in advance.
- c. LEC will not disconnect Lifeline service for non-payment of toll charges.
- d. Any Lifeline partial payments will be applied first to local service charges then to toll charges.

ISSUED: March 19, 2001  
Date

EFFECTIVE: April 11, 2001  
Date

By: Robert D. Folan

President  
Midstate Telecom, Inc.

Filed with SDPUC

LOW INCOME ASSISTANCE PROGRAM

B. LINK UP ASSISTANCE

- 1. The Link Up Program is a plan which assists qualified low-income applicants with reduced service connection charges. The assistance applies for a single telephone line at the applicant's principal place of residence. A reduction of fifty percent of all service connection charges, or \$30.00, whichever is less, will be provided to qualified applicants.
- 2. The consumer shall receive the benefit of the Link Up Program for a second or subsequent time only for a principal place of residence with an address different from the residence address at which Link Up assistance was provided previously.

3. ELIGIBILITY REQUIREMENTS

To be eligible for assistance, an applicant must participate in one of the following:

- a. Medicaid (e.g. Title XIX/Medical, state supplemental assistance)
- b. Food Stamps
- c. Supplemental Security Income (SSI)
- d. Federal Public Housing Assistance
- e. Low-Income Home Energy Assistance Program (LHEAP)

4. APPLICATION FOR ASSISTANCE

An applicant shall request telephone connection assistance through completion of a form provided by the Company.

5. CHARGES AND DEFERRED PAYMENTS

- a. All customary service connection charges for installing basic residential telephone service, except security deposits, shall be reduced by 50% or \$30.00, whichever is less. The assistance does not extend to inside wiring.
- b. An applicant may defer payment of the service connection charges. Payments may be deferred up to 12 months for connection charges up to \$200.00. Interest will not be charged on deferred payments.

ISSUED: March 19, 2001  
Date

EFFECTIVE: April 23, 2001  
Date

By: Robert D. Folan,  
Name

President,  
Title

Kimball, SD 57355  
Address



Filed with SDPUC

LOW INCOME ASSISTANCE PROGRAM  
ON TRIBAL LAND

A. LIFELINE SERVICE ON TRIBAL LAND (Continued)

4. RATES

		<u>Monthly Credit</u>
a.	Lifeline Service - Waiver of Federal End-User Common Line Charge	\$ 3.50
	- Additional Federal Support	1.75
	- Additional Lifeline on Tribal Lands Local Service	
	Rate Reduction - Maximum	<u>25.00*</u>
	Total Potential Credit	\$30.25

b. Toll blocking shall be included with this service offering without charge. No service deposit is required if applicant voluntarily elects toll blocking with the initiation of Lifeline Service on Tribal Land. However, one month's local service charges may be required to be paid in advance.

c. LEC will not disconnect Lifeline Service on Tribal Land for non-payment of toll charges.

d. Any Lifeline Service on Tribal Land partial payments will be applied first to local service charges then to toll charges.

\* Additional Lifeline on Tribal Land local service reduction per qualified applicant up to \$25.00 per month requiring a minimum monthly Lifeline rate of \$1.00 for local service on Tribal Land.

ISSUED: March 19, 2001  
Date

EFFECTIVE: April 23, 2001  
Date

By: Robert D. Folan  
Name

President  
Title

Kimball, SD 57355  
Address



Filed with SDPUC

**LOW INCOME ASSISTANCE PROGRAM  
ON TRIBAL LAND**

**B. LINK UP ASSISTANCE ON TRIBAL LAND**

1. The Link Up Program on Tribal Land is a plan which assists qualified low-income applicants with reduced service connection charges. The assistance applies for a single telephone line at the applicant's principal place of residence. A reduction of fifty percent of all service connection charges, or \$30.00, whichever is less, will be provided to qualified applicants.
2. The consumer shall receive the benefit of the Link Up Program on Tribal Land for a second or subsequent time only for a principal place of residence with an address different from the residence address at which Link Up Assistance on Tribal Land was provided previously.

**3. ELIGIBILITY REQUIREMENTS**

To be eligible for assistance, an applicant must participate in one of the following:

- a. Medicaid (e.g. Title XIX/Medical, state supplemental assistance)
- b. Food Stamps
- c. Supplemental Security Income (SSI)
- d. Federal Public Housing Assistance
- e. Low-Income Home Energy Assistance Program (LHEAP)
- f. Bureau of Indian Affairs (BIA) General Assistance Program
- g. Tribally-administered Temporary Assistance for Needy Families
- h. Head Start (meeting income qualifying standards)
- i. National School Lunch Program's Free Lunch Program

**4. APPLICATION FOR ASSISTANCE**

An applicant shall request telephone connection assistance through completion of a form provided by the Company.

**5. CHARGES AND DEFERRED PAYMENTS**

- a. All customary service connection charges for installing basic residential telephone service, except security deposits, shall be initiated by paying up to half of the first \$60.00. The assistance does not extend to inside wiring.

An additional \$70.00 will be provided to cover 100 percent of remaining charges associated with installing basic residential service (between \$60.00 and \$130.00) for a maximum support amount of \$100.00 for initiating service on Tribal Land for qualifying local subscribers.

- b. An applicant may defer payment of the service connection charges. Payments may be deferred up to 12 months for connection charges up to \$200.00. Interest will not be charged on deferred payments.

ISSUED: March 19, 2001  
Date

EFFECTIVE: April 23, 2001  
Date

---

SOUTH DAKOTA SWITCHED ACCESS SERVICES

A. CONCURRENCE IN RATES, TERMS AND CONDITIONS OF LOCAL EXCHANGE  
CARRIER ASSOCIATION, INC. TARIFF NO. 1

1. Midstate Telecom, Inc. concurs in the rates, terms and conditions, except as noted below, of Local Exchange Carrier Association, Inc. Tariff No. 1 governing Intra-state Access Service as filed by the Local Exchange Carrier Association, Inc. in the State of South Dakota. Midstate Telecom, Inc. concurs in the current Local Exchange Carrier Association, Inc. Tariff No. 1 as of March 19, 2001 as shown by the attached TARIFF CHECKLIST pages. The only exceptions to this concurrence are the attached pages 17-1 and 17-4, which replace the current Local Exchange Carrier Association, Inc. Tariff No. 1 pages 17-1 and 17-4.
2. Midstate Telecom, Inc. hereby expressly reserves the right to cancel or void this statement of concurrence at any time consistent with state law and the best interests of Midstate Telecom, Inc. by filing a replacement tariff with the South Dakota Public Utilities Commission.

---

SOUTH DAKOTA SWITCHED ACCESS SERVICES

17. Rates and Charges

17.1 Common Line Access Service

17.1.1 Carrier Common Line Access Service

Rate

Regulations concerning Carrier Common Line Access  
are set forth in Section 3. Preceding.

Per Access Minute

\$0.0377

17.1.2 Reserved for Future Use

SOUTH DAKOTA SWITCHED ACCESS SERVICES

17. Rates and Charges (Cont'd)

17.2 Switched Access Service

17.2.1 Nonmeasuring Charges

(A) Local Transport Element:  
Insulation Per Line or Trunk

(B) Reserved for Future Use

(C) Interim NXX Translation Per Center

Per LATA or Market Area

17.2.2 Traffic Services

Local Searching (Not Other)

Per Access Minute

Local Transfer

Per Access Minute

Network Blocking Per Blocked Call

Applies to FCO only

NXX Data Base Query Service

Per Query

Basic

Vertical Feature

**TARIFF CHECKLIST**  
 All Pages Are Original Unless Otherwise Noted

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\* New This Issue

Issued: January 16, 2001

Effective: February 1, 2001

By: Dean Anderson  
 President  
 P.O. Box 920  
 Clear Lake, SD 57226

RECEIVED

APR 06 2001

INDEMNITY BOND

to the  
PEOPLE OF THE STATE OF SOUTH DAKOTA

SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION

Bond Number 37 S 103319694 BCM

We, MIDSTATE TELECOM, INC., the principal and applicant for a CERTIFICATE OF AUTHORITY, LOCAL EXCHANGE CARRIER telecommunications services within the State of South Dakota and TRAVELERS CASUALTY AND SURETY CO. OF AMERICA, as an admitted surety insurer, bind ourselves unto the Public Utilities Commission of the State of South Dakota and the consumers of South Dakota as Obligee, in the sum of \$25,000.00.

The conditions of the obligation are such that the principal, having been granted such CERTIFICATE OF AUTHORITY subject to the provision that said principal purchase this Indemnity Bond, and if said principal shall in all respects fully and faithfully comply with all applicable provisions of South Dakota State Law, and reimburse customers of MIDSTATE TELECOM, INC. for any prepayment or deposits they have made which may be unable or unwilling to return to said customers as a result of insolvency or other business failure, then this obligation shall be void, discharged and forever exonerated, otherwise to remain in full force and effect.

This bond shall take effect as of the date hereon and shall remain in force and effect until the surety is released from liability by the written order of the Public Utilities Commission, provided that the surety may cancel this Bond and be relieved of further liability hereunder by delivering thirty (30) days written notice to the Public Utilities Commission. Such cancellation shall not affect any liability incurred or accrued hereunder prior to the termination of said thirty (30) day period.

Dated this 14th day of March, 2001

To Be Effective this 1st day of February, 2001

*Original bond is in Aldine's bottom desk drawer.*

Countersigned this 14th day of March, 2001

William M. Van Camp  
South Dakota Resident Agent

MIDSTATE TELECOM, INC.

Principal

Robert J. Zeman

By

TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA

Deanna D. Hanson

By Deanna D. Hanson

Attorney-in-Fact



TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA  
TRAVELERS CASUALTY AND SURETY COMPANY  
FARMINGTON CASUALTY COMPANY  
Hartford, Connecticut 06183-0062

POWER OF ATTORNEY AND CERTIFICATE OF AUTHORITY OF ATTORNEYS-IN-FACT

KNOW ALL PERSONS BY THESE PRESENTS, THAT TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, TRAVELERS CASUALTY AND SURETY COMPANY and FARMINGTON CASUALTY COMPANY, corporations duly organized under the laws of the State of Connecticut, and having their principal offices in the City of Hartford, County of Hartford, State of Connecticut, (hereinafter the "Companies") hath made, constituted and appointed, and do by these presents make, constitute and appoint: Deanna D. Hanson, James E. Van Camp, William M. Van Camp, of Pierre, South Dakota, their true and lawful Attorney(s)-in-Fact, with full power and authority hereby conferred to sign, execute and acknowledge, at any place within the United States, the following instrument(s) by his/her sole signature and seal, any and all bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking and any and all consents incident thereto and to bind the Companies, thereby as fully and to the same extent as if the same were signed by the duly authorized officers of the Companies, and all the acts of said Attorney(s)-in-Fact, pursuant to the authority herein given, are hereby ratified and confirmed

This appointment is made under and by authority of the following Standing Resolutions of said Companies, which Resolutions are now in full force and effect:

VOTED: That the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorney-in-Fact and Agents to act for and on behalf of the company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and act of said officers as the Board of Directors at any time may determine such appointee and revoke the power given him or her

VOTED: That the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of the Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary

VOTED: That any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary, or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate of authority or by one or more Company officers pursuant to a written delegation of authority

This Power of Attorney and Certificate of Authority is signed and sealed by facsimile (mechanical or printed) under and by authority of the following Standing Resolution voted by the Boards of Directors of TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, TRAVELERS CASUALTY AND SURETY COMPANY and FARMINGTON CASUALTY COMPANY, which Resolution is now in full force and effect:

VOTED: That the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such power of attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding upon the Company in the same way as if such power or undertaking to which it is attached

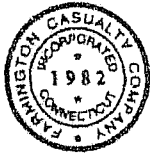
IN WITNESS WHEREOF, TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, TRAVELERS CASUALTY AND SURETY COMPANY and FARMINGTON CASUALTY COMPANY have caused this instrument to be signed by their Senior Vice President and their corporate seals to be hereto affixed this 15th day of December 2000.

STATE OF CONNECTICUT

City of Hartford

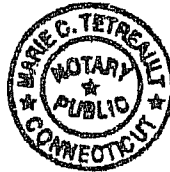
COUNTY OF HARTFORD

TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA  
TRAVELERS CASUALTY AND SURETY COMPANY  
FARMINGTON CASUALTY COMPANY



By *George W. Thompson*  
George W. Thompson  
Senior Vice President

On this 15th day of December, 2000 before me personally came GEORGE W. THOMPSON to me known, who, being by me duly sworn, did depose and say: that he/she is Senior Vice President of TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, TRAVELERS CASUALTY AND SURETY COMPANY and FARMINGTON CASUALTY COMPANY, the corporations described in and which executed the above instrument; that he/she knows the seals of said corporations; that the seals affixed to the said instrument are such corporate seals; and that he/she executed the said instrument on behalf of the corporations by authority of his/her office under the Standing Resolutions thereof.



*Marie C Tetreault*

My commission expires June 30, 2001 Notary Public  
Marie C. Tetreault

CERTIFICATE

I, the undersigned, Assistant Secretary of TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, TRAVELERS CASUALTY AND SURETY COMPANY and FARMINGTON CASUALTY COMPANY, stock corporations of the State of Connecticut, DO HEREBY CERTIFY that the foregoing and attached Power of Attorney and Certificate of Authority remains in full force and has not been revoked; and furthermore, that the Standing Resolutions of the Boards of Directors, as set forth in the Certificate of Authority, are now in force.

Signed and Sealed at the Home Office of the Company, in the City of Hartford, State of Connecticut. Dated this 14th day of March, 2001.



By *Kori M. Johanson*  
Kori M. Johanson  
Assistant Secretary, Bond

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA**

<b>IN THE MATTER OF THE APPLICATION OF</b>	)	<b>ORDER GRANTING</b>
<b>MIDSTATE TELECOM, INC. FOR A</b>	)	<b>CERTIFICATE OF</b>
<b>CERTIFICATE OF AUTHORITY TO PROVIDE</b>	)	<b>AUTHORITY AND ORDER</b>
<b>LOCAL EXCHANGE SERVICES IN SOUTH</b>	)	<b>GRANTING PETITION FOR</b>
<b>DAKOTA</b>	)	<b>WAIVER</b>
	)	<b>TC01-007</b>

On January 18, 2001, the Public Utilities Commission (Commission) received an application for a certificate of authority from Midstate Telecom, Inc. (Midstate) and for approval of its intrastate switched access tariff no. 1 which is concurrent with the rates, terms, and conditions of the current LECA tariff no. 1, with the exception of the switched access rates, which are based upon a statewide average. Additionally, Midstate requested an exemption from the requirement to develop intrastate switched access rates based on company specific costs.

Midstate proposes to offer local exchange telecommunications services in South Dakota. A proposed tariff was filed by Midstate.

On January 25, 2001, the Commission electronically transmitted notice of the filing and the intervention deadline of February 9, 2001, to interested individuals and entities. No petitions to intervene or comments were filed and at its regularly scheduled April 17, 2001, meeting, the Commission considered Midstate's request for a certificate of authority, and its intrastate switched access tariff no. 1 and a waiver from establishing switched access rates based on company specific costs. Commission Staff recommended granting a certificate of authority, subject to a continuous \$25,000 surety bond, and subject to rural safeguards. Commission Staff further recommended a waiver of ARSD 20:10:32:03(11) and (14). Staff recommended approving the switched access tariff no. 1 and granting the exception for one year.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapter 49-31, specifically 49-31-18, 49-31-19, 49-31-69 and ARSD 20:10:27:11 and ARSD 20:10:32:03. The Commission finds that Midstate has met the legal requirements established for the granting of a certificate of authority. Midstate has, in accordance with SDCL 49-31-71, demonstrated sufficient technical, financial and managerial capabilities to offer telecommunications services in South Dakota. Further, the Commission finds that there is good cause to waive subparagraphs (11) and (14) of ARSD 20:10:32:03 and grant the petition for exemption from developing company specific cost-based switched access rates pursuant to ARSD 20:10:27:11 for one year and approve Midstate's intrastate switched access tariff no. 1 pursuant to ARSD 20:10:27:12.

The Commission approves Midstate's application for a certificate of authority, subject to a continuous \$25,000 surety bond, and subject to rural safeguards, and grants the petition for exemption from developing company specific cost-based switched access rates pursuant to ARSD 20:10:27:11 for one year and approves Midstate's intrastate

switched access tariff no. 1 pursuant to ARSD 20:10:27:12. The certificate of authority for Midstate shall authorize it to offer local exchange services in South Dakota, except in those areas served by a rural telephone company. In the future, should Midstate choose to provide local exchange services statewide, with respect to rural telephone companies, Midstate will have to come before the Commission in another proceeding before being able to provide local service in that rural service area pursuant to 47 U.S.C. § 253(f) which allows the Commission to require a company that seeks to provide service in a rural service area to meet the requirements in 47 U.S.C. § 214(e)(1) for designation as an eligible telecommunications carrier. In addition, the granting of statewide certification will not affect the exemptions, suspensions, and modifications for rural telephone companies found in 47 U.S.C. § 251(f). It is therefore

ORDERED, that Midstate's application for a certificate of authority to provide local exchange services is granted, subject to a continuous \$25,000 surety bond; and it is

FURTHER ORDERED, that Midstate shall file informational copies of tariff changes with the Commission as the changes occur; and it is

FURTHER ORDERED, that the Commission shall authorize Midstate to offer its local exchange services in South Dakota, except in those areas served by a rural telephone company; and it is

FURTHER ORDERED, that the Commission finds good cause to waive subparagraphs (11) and (14) of ARSD 20:10:32:03; and it is

FURTHER ORDERED, that Midstate's petition to be exempt from establishing company specific cost-based switched access rates is granted for one year and its intrastate switched access tariff no. 1 is approved.

Dated at Pierre, South Dakota, this 24<sup>th</sup> day of April, 2001.

<b>CERTIFICATE OF SERVICE</b>	
The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.	
Signed by	<u>Melvin Kells</u>
Date	<u>4/24/01</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

James A. Burg  
JAMES A. BURG, Chairman

Pam Nelson  
PAM NELSON, Commissioner

# SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

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## CERTIFICATE OF AUTHORITY

To Conduct Business As A Telecommunications Company  
Within The State Of South Dakota

Authority was Granted as of the date of the  
Order Granting Certificate of Authority  
Docket No. TC01-007

*This is to certify that*

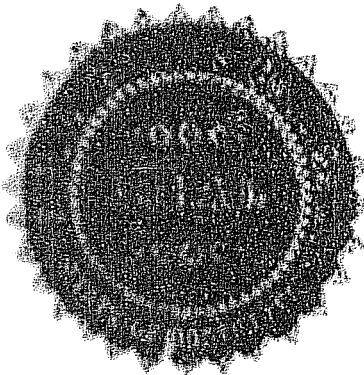
**MIDSTATE TELECOM, INC.**

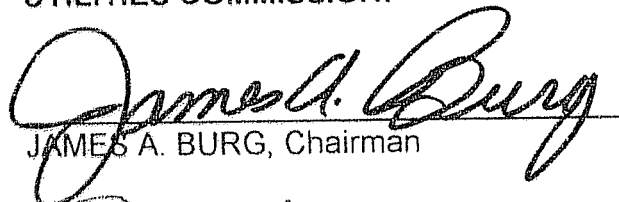
is authorized to provide local exchange services in nonrural areas in  
South Dakota.

This certificate is issued in accordance with SDCL 49-31-69 and ARSD  
20 10 32 03, and is subject to all of the conditions and limitations contained in  
the rules and statutes governing its conduct of offering telecommunications  
services

Dated at Pierre, South Dakota, this 24<sup>th</sup> day of April, 2001.

**SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION:**



  
JAMES A. BURG, Chairman

  
PAM NELSON, Commissioner

# Meyer & Rogers

ATTORNEYS AT LAW

PO BOX 1117 • 329 EAST CAPITOL • PIERRE, SOUTH DAKOTA 57501-1117 • TELEPHONE 605-224-7889 • FACSIMILE 605-224-9060

BRIAN B. MEYER  
DARLA POLLMAN ROGERS

April 23, 2001

Keith Senger  
Public Utilities Commission  
500 East Capitol Avenue  
Pierre, South Dakota 57501

Re: SDPUC Docket TC01-007  
Application of Midstate Telecom, Inc. for a Certificate of Authority

Dear Keith:

At the April 17, 2001, hearing on Midstate Telecom, Inc.'s CLEC Application, we agreed to revise the liability language on one page of the tariff. You will find the revised page enclosed herein.

Please substitute the current page in the tariff (Part II, Original Sheet 2) with this page.

Thank you for your cooperation. Please call me should you have any questions.

Sincerely yours,



Darla Pollman Rogers  
Attorney at Law

DPR/ph

CC: Karen Cremer  
Mark Benton  
Don Lee

RECEIVED

APR 25 2001

SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION

Filed with SDPUC

## GENERAL RULES AND REGULATIONS

## B. OBLIGATION AND LIABILITY OF TELEPHONE COMPANY

## 1. Availability of Facilities

- a. The Telephone Company's obligation to furnish exchange and access telephone service is dependent upon its ability to secure and retain, without unreasonable expense, suitable facilities and rights for such facilities.

## 2. Allowance for Failure of Service

- a. The Telephone Company does not guarantee uninterrupted service. In case service is interrupted other than by the negligence or willful act of the customer, an adjustment will be made upon request of the customer in the amount of the charges for that portion of the service rendered inoperable. Any adjustment shall apply only if the interruption continues beyond twenty-four (24) hours after first noted by the Telephone Company. Any other liability shall be determined in accordance with SDCL 49-13-1 and 49-13-1.1.

## 3. Directory Errors and Omissions

- a. Claims for damages due to errors or omissions in directory listings will be limited to one-half the local service charges for the customer service during the affected period.
- b. In the cases of extra listings in the alphabetical section of the directory for which a charge is made, the Telephone Company's liability shall be limited to an amount not to exceed the established rate for such listing for the directory period in which the error or omission occurs.

## 4. Transmitting Messages

- a. The Telephone Company does not transmit messages, but offers the use of its facilities, where available, for communications between parties, subject to the rules, regulations, and conditions specified in this Tariff.

ISSUED:	<u>March 19, 2001</u>	EFFECTIVE:	<u>April 23, 2001</u>
	Date		Date
By:	<u>Robert D. Folan</u>	<u>President</u>	<u>Kimball, SD 57355</u>
	Name	Title	Address